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REMARKS

The Examiner defined four related inventions based on four claim groups:

Group I includes Claims 1-4, 8-11, and 15;

Group II includes Claims 5 and 12;

Group III includes Claims 6-7 and 13-14; and

Group IV includes Claims 16-20.

The Examiner also asserted that the inventions of Groups I and II; Groups I and III; Groups II and III; and Groups IV and I-III are "**related** as subcombinations disclosed as useable together in a single combination." (emphasis added) The Examiner also noted that with respect to Group I, each of the other groups includes a feature not required by Group I. In fact, as the Examiner's observation indicates, Groups II, III, and IV are species under Group I. In other words, each of the inventions described by claims in Groups II, III, and IV, are encompassed by the broad generic claims of Group I (See § MPEP 806.04(d)). More specifically, each of the claims of Groups II through IV are practiced in a physical memory wherein non-pinned memory requests are allocated from a first boundary and pinned memory requests are allocated from a second boundary as recited in the claims of Group I. The Examiner is respectfully reminded that:

Where subcombinations as disclosed and claimed are both (a) species under a claimed genus and (b) related, then the question of restriction must be determined by both the practice applicable to election of species and the practice applicable to related inventions. If restriction is improper under either practice, it should not be required (MPEP § 806.04(b)). (MPEP § 806.05(d))


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Thus, since the Examiner concedes both points (a) and (b) from the above MPEP passage, a restriction requirement in this case is required to be proper under both restriction practice applicable to election of species and restriction practice applicable to related inventions. Since the invention of the Group I claims is generic to the remaining claim groups, restriction is improper, even if it might otherwise have been proper under restriction practice applicable to related inventions alone. Thus, Applicants respectfully request withdrawal of the restriction requirement.

Applicant has included herewith a separate Request for a One Month Extension of Time with authorization to charge the requisite extension fee to Deposit Account No. 04-1696. If any additional Extensions are required, please accept this paragraph as a Request for Extension of Time and authorization to charge the requisite extension fee to Deposit Account No. 04-1696.

Applicant does not believe any additional fees are due regarding this Response. However, if any additional fees are required, please charge Deposit Account No. 04-1696.

Respectfully Submitted,


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